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MESSAGE

OF THE

GOVERNOR

OF THE

TERRITORY OF WASHINGTON.

HOUSE, Dec. 17—Laid on the table and 3,000 copies ordered.

OLYMPIA:

GEORGE A. BARNES, PUBLIC PRINTER,

1862.

GOVERNOR'S MESSAGE.

*Gentlemen of the Council and House of Representatives
of the Territory of Washington :*

It is well known to your honorable body, that by the organic act, the Governor exercises no part of the law making power of this Territory, therefore there is not the same reason for the Executive to give his views of policy to the assembly, as would seem to be justified in those States and Territories, in which that Department has the duty to perform of assenting to, or disapproving legislative enactments; notwithstanding it is expected the Executive will give his views annually to the legislative assembly, upon matters pertaining to the prosperity and general welfare of the people.

The first subject of public interest to which I desire to call your attention, will be the codification and republication of our Territorial Laws. This is the tenth session of the Legislature of this Territory, and its Statutes are spread through as many pamphlets, as there have been sessions.

Of the laws passed shortly after the organization of the Territorial Government, few copies were printed, because at that early period, such was the sparseness of our population, a greater number were not needed; since then, emigration has greatly increased our population, and widely extended our settlements, where several new counties have of late years been organized, thus greatly increasing the number of public officers; hence, the copies of the early session

laws, have long since been exhausted. In the large area of country comprising the counties of Walla Walla, Shoshone, Nez Perces and Idaho, there are very few complete sets of the laws to be found. Practicing attorneys are unsupplied, and unable to procure them at any price, even the copy now in the Executive office, from necessity, was recently purchased from a private library; indeed, the scarcity is such, as to render it impossible to procure copies for the use of the members of the Legislature, Courts, Federal, Territorial and County offices, especially should all the officers elected in the newly created counties, be immediately provided with the laws, to guide them in the performance of their respective duties, the people should not be kept ignorant of the laws under which they live.

Should you think it necessary to direct a republication, it will also be advisable to provide for a proper codification, or revision, of all of said acts, in order to render them less complicated.

The various alterations which have at different times been made in our Statutes, have increased the difficulty of ascertaining what laws remain unimpaired by subsequent enactments; the presence of a large mass of printed matter, contained in these several pamphlets, many of which have been so changed and amended, that great confusion has been thereby produced.

In revising and reprinting these laws, all obsolete, and repealed acts, or parts of acts, should be carefully excluded, that the new compilation of the Statutes, may consist only of such laws as remain in force.

Appended to the said new code, or in a separate volume, the decisions of the Supreme Court should also be published, thus would our public officers, the courts and the people, be afforded the opportunity of becoming acquainted with the law and its construction, without which information, many good and worthy citizens may innocently become the violators of Statutory enactments, the existence of which they are not informed.

Convenience, necessity, and justice to the people, require proper legislative action at this time, and I trust your honorable body will not close your labors without adopting suitable measures on this subject.

I should be recreant to the duties I owe to society, if I failed to call your serious attention to the sad and immoral effects, growing out of the readiness with which our legislative assemblies, have heretofore annulled that most solemn con-

tract of marriage. Let me earnestly invoke you, to stay the evils, which result from the legislature granting divorces, thereby destroying the sacred responsibilities and duties of husband and wife, merely upon the request, or petition, of one of the parties.

Without intending to trespass upon your law-making province, permit me to suggest for your consideration the fact, that the present laws declare marriage to be a civil contract; therefore, all breaches or violations of its conditions are proper subjects for the Judiciary alone, and not for Legislative enactment upon one-sided, or *ex parte*, statements.

The law as it stands upon the statute books of the Territory, has conferred full jurisdiction upon the Courts, in all cases belonging to divorces, which is the only tribunal that can deliberately hear and examine all the witnesses on both sides of those unfortunate domestic difficulties of the parties applying for a dissolution of the marriage contract.

The Legislature seldom has the opportunity of hearing any witnesses, even on the side of the complaining party, and never can have before them all the witnesses connected with both parties, especially necessary to the proper adjudication of these cases. It will also be well to remember, that in divorce cases the Legislature cannot decree or enter judgment for alimony, division of property belonging to the married parties, nor legally decide whether the separated husband, or wife, shall lawfully continue the possession care and control of their children.

The Courts alone can have full power to render final judgment and decree for alimony, division of family property, and direct who shall have the care and control of the minor children.

Many of the Legislatures of the States, for several years past, have positively refused to grant any divorces. Eminent lawyers are agreed in the opinion that all divorces granted by Legislatures are entirely unconstitutional, and therefore null and void, for the reason that no act of a Legislature can destroy, annul, violate, or set aside the said civil contract, nor the sacred and religious bonds and mutual obligations entered into by man and wife at the solemnization of their marriage. It is at all times a very serious and delicate matter for any person or persons to interfere in any manner in the unhappy quarrels and family difficulties of man and wife. There are few subjects brought before the Courts of our country requiring to be treated with more deliberate care and caution than divorces.

Whenever a Legislative Body takes any action in cases of divorces, it is not improperly regarded as an infringement upon the legitimate province of the Courts. For these reasons, I trust your honorable body will firmly refuse to interfere with the rights of husband and wife, applicants seeking separation should be directed to the Courts of our Territory, where they can receive all the relief and remedy for their grievances which the laws of our country afford.

Our Territory is rapidly filling up with population, the number of settlements are constantly increasing and extending over localities but a short time ago were familiar only to the red-man. This renders increased mail facilities, absolutely necessary, to supply the growing wants of our people.

You are best aware what new mail routes are needed, what are the postal necessities of the districts and counties you represent. This as a subject of memorialization to Congress, is well worthy of your early attention.

In reply to enquiries for statistical information, the Surveyor General's statement shows, that, since the organization of that office, nearly three millions of acres of the public lands have been surveyed, which is scarcely one-sixtieth part of the area of the Territory. During the past year, very little progress has been made in the prosecution of the work, in extending the public surveys, owing to the meagre appropriation of only five thousand dollars, this being the whole sum allowed by Congress, for defraying the expenses of this branch of the public service in this Territory for the past year.

Many of you are advised, that some of the oldest and most thickly settled localities of our Territory, are yet on unsurveyed lands, among which may be mentioned, Boisefort, the Willopah valley, and the rich bodies of bottom lands upon the Puyallup and White rivers.

The large immigration of the past year, will of necessity induce the occupancy of a large portion of the public domain, yet unsurveyed, this fact, together with the earlier settled lands before referred to, requires at your hands, an earnest memorial to Congress, for an increased appropriation, to continue and extend the surveys of such public lands, as will secure to all settlers, a full and fair opportunity of perfecting their land titles.

To prevent our present necessities from being a further drain upon the Treasury at this time, when every dollar is needed by the nation, in its glorious struggle to perpetuate its existence, would it not be well in connection with this subject,

to memorialize the proper Department, to bring the public lands into market? The revenue derived from such sales, would be paid into the Treasury sufficiently soon, to anticipate the accounts of the various Surveyors, who would be engaged upon that labor.

By an act of Congress approved 30th May, 1862, the salaries of the Registers and Receivers of our land offices, were reduced from two thousand five hundred to five hundred dollars and fees, per annum, which together, I am informed, will not make their compensation under said law, more than about six hundred and fifty dollars. The great distance between a large portion of our people, and the location of the land offices of our Territory, causes a large amount of written applications for various information, respecting their donation and pre-emption claims, for all of which useful and unavoidable correspondence, no fees whatever are allowed. Such services on the part of the officers are entirely extra official, and constitutes no part of the duties.

The legitimate duties of Registers and Receivers, are well known to be burdensome and laborious, these are positions of weighty responsibility, evidenced by the fact, that, the Receiver at Olympia gives approved bonds to the large amount of one hundred and thirty-five thousand dollars. It may be readily perceived that the small compensation of six hundred and fifty dollars per annum, is entirely inadequate and disproportionate to the amount of services, and responsibilities required of them.

To the people, it is of vital interest that our land offices should be continued in charge of competent and responsible persons, whose pay should be sufficient to reasonably compensate them for their services.

I respectfully ask your attention to this subject, for the purpose of memorializing Congress to provide such suitable relief as the case requires.

It is highly important to the people of the eastern and south-eastern part of our Territory, that the Indian title to all lands between South Pass and the Columbia River, should be extinguished. A treaty with the Indians, effecting this very desirable object, would be the best means of averting the terrible calamity, of an organized Indian insurrection, if once brought about, would be far more terrific in its consequences than the late sudden and unexpected uprising of the Indians in Minnesota, where it appears about eight hundred white people were cruelly slaughtered, and a large amount of property destroyed.

Were an Indian war to break out in the valley of the Snake River, or in any other part of our mining region, where the land is yet owned by the Indians, it would operate as a signal fire, that would rouse to arms other Indians, of this and neighboring Territories. Our thinly settled population, would be as suddenly surprised, and as entirely unprepared to resist a general outbreak, as were the unsuspecting people of Minnesota.

Should such an unfortunate war of the races, again be forced upon the people of our Territory, in all probability the conflict would assume that of a bloody character, resulting finally in the extermination of the savages.

The news is daily coming to us, that our exploring miners are penetrating farther and farther, searching for gold, in these hitherto unfrequented places.

The occupancy of these lands, the Indian title to which have not been extinguished, induces them to consider our miners and farmers as intruders, there is great danger that such reasoning upon the part of the Indians, may at any day be considered sufficient cause for the commencement of hostilities. Protection to our miners, developing the mineral wealth of this region, requires the immediate attention of the National Government. The passage of an act by Congress, providing for the extinction of the Indian title to these lands, would be the best course to preserve the blessings of peace to our Territory. I have no doubt your application to Congress on this subject will meet with success.

The establishment of an Agricultural College, would secure permanent benefits to the people of the Territory, the importance of which, must be apparent to all. I would therefore urge the adoption of a memorial, praying Congress for a grant of land, in aid of such an institution.

The current history of the mighty events now transpiring, teach us the importance of providing our people with military education, to prepare them for any exigencies which may arise, from invasion without, or civil war within. The formation at this time, of a suitable school for military instruction, would be of material advantage to the Territory, and the future State. To aid in such an object, Congress would undoubtedly be willing to make a grant of land. I commend the subject to your favorable notice, as eminently entitled to a strong memorial, to that body.

The act of Congress approved July 1, 1862, providing the necessary means to secure the construction of a Pacific Rail Road and Telegraph line, merits the warmest congratu-

ations, of the people of the United States, and more especially it is a matter of vital importance to the future convenience, prosperity and general welfare, of the population of the States and Territories west of the Rocky Mountains.

Whatever action your honorable bodies may think proper to take, in memorializing Congress, to provide similar aid, for the construction of a branch railroad, to the Columbia River, or in favor of a northern road from Minnesota to Puget Sound, will doubtless meet with the approbation of the people you represent.

Land Fortifications, together with an iron-clad Monitor, so necessary for the protection of our fast increasing commercial business, shipping, towns, lumber manufacturing, and coal mining establishments, on Puget Sound and the Columbia River, require the immediate attention of the United States Government. They are, therefore, a proper subject for your early consideration for a memorial to Congress.

The advantages arising from the transmission of information, across this Continent, by means of telegraph, is duly appreciated by the people west of the Rocky Mountains, who take a lively interest in the mighty contest now going on in the Eastern States, as well as in commercial intercourse. A branch telegraphic line will, in a few months, be in practical operation from Sacramento to Vancouver, on the Columbia River, thus the Southern border of our Territory, will soon be placed in direct connection with our National Capitol, and all parts of the United States. The convenience and commercial advantages to be derived from direct telegraphic communication with all parts of our country, may easily be secured to the people of this Territory, by the passage of an act, granting a charter, for the extension of said line from Vancouver to our northern boundary, thence to connect with a line from British Columbia and Victoria. Another charter will also be necessary, for a line from Vancouver through Walla Walla, to the eastern part of the Territory.

The convenience and interests of the people, would be greatly promoted, by telegraphic lines being extended, throughout the Territory, and I have no doubt your favorable action on this subject, will be duly appreciated by your constituents.

The last session of our Territorial Legislature, very wisely and humanely passed an act to provide for the safe keeping, of Insane and Idiotic persons, wherein it is made the duty of the Governor and Auditor of the Territory, to provide by contract, for the clothing, care, medical attend-

ance, and safe keeping of all such persons in our Territory. In fulfilling the duties in accordance with the requirements of said act, it affords me great pleasure to be able to inform you, that, with the co-operation and praiseworthy assistance of R. M. Walker, the Territorial Auditor, a favorable contract has been made with the Sisters of Charity, at Vancouver, for the keeping of all these unfortunate persons.

The short distance between the most westerly bend of the north fork of the Columbia river, and the navigable waters of Puget Sound, is so well known, that it needs only alluding to in order to secure your attention, to the propriety of asking Congress, for a reasonable appropriation, to construct a military road, on the shortest practicable line connecting said water courses.

The most important subject that claims your attention, is the necessity of adopting the best method of stopping at once, and forever, the atrocious murders, robberies and plunderings, that have been committed annually by the Snake and other tribes of Indians, upon our valuable and enterprising miners, their pack trains conveying goods and provisions to them, while engaged in their arduous labors, at a great distance from our frontier settlements. More particularly has it become a positive necessity, to protect the vast numbers of men, women and children, of our overland emigrants, from the savage brutality of Indians along the road from South Pass, down the valley of the Snake, to the Columbia River.

It is a standing disgrace to ourselves, and to our country, that, for the last twelve years, the Snake and other tribes of Indians, with their wicked associates and accomplices of white men, have every year committed the most outrageous robberies and murders upon our overland emigrants. White females have been carried into Indian captivity, and are yet held in bondage by these savages. For the honor and credit of our race, those white women ought to be immediately rescued.

If a correct list of the names could be obtained, of all the white men, women and children, that have been murdered; and those carried into captivity, during the last twelve years, with a list of the thousands of horses, mules, cattle, money and other valuable property, consisting in many instances of everything the emigrants owned, such a frightful statement of crimes, would startle every good man in our country. All would promptly enquire when are these wrongs and cruelties to be finally stopped? When is our traveled road to be made free from molestation? When are these

murderers and robbers to be punished for their past crimes? When are the large herds of stolen horses, mules and cattle, with all other valuable property, to be rescued from the thieves, and restored to their rightful owners, their widows and children? Few of these murderers have yet been punished, and none of the property has yet been recovered.

The great question now is, how are the lives of future emigrants, and their property, to be protected during the next ensuing years? From the most reliable information, it seems generally believed that the surest remedy will be found in the Government of the United States establishing a line of military posts along the road leading from the South Pass of the Rocky Mountains, (near the south-east corner of this Territory,) down the Snake river valley to the Columbia.

To secure the establishment of said line of military stations, I hope your honorable body will unanimously memorialize Congress for this purpose.

While on this subject, it is proper I should state that during the past season Gen. Geo. Wright, the commanding officer of the Department of the Pacific very considerably issued an order directing all the military forces that could be spared to be sent up the Snake River road to meet and protect the overland emigrants. General B. Alvord, with Col. Justin Steinberger, of Walla Walla, promptly executed the said orders by forwarding Lieut-Col. Maury, with a portion of Oregon cavalry, who vigilantly and successfully guarded said emigrants past the Salmon Falls and other dangerous places.

It is highly gratifying that these officers have harmoniously and vigorously acted in concert, and by their united exertions large numbers of emigrants with their property have been protected. Notwithstanding the caution and diligence used by the officers and men of the escorts, it is to be lamented that several emigrants, whose great hurry to get to the Salmon river and other gold mines induced them to rush onward at a distance from these military escorts, some of whom were murdered and robbed by the Indians.

The operations in the gold districts of our Territory, during the season just closed, have resulted in a manner most gratifying. Experienced and skillful miners are convinced that our gold-bearing region is rich with treasure.

A large number of those engaged in the mines did not arrive until late in the season—many of them only in time to begin to prospect.

In the preparations necessary to a proper commencement of the work in some diggings, many obstacles of serious

hindrance were met with, frequently causing vexatious delays. Notwithstanding these and other disadvantages incidental to the opening of new mines, the yield of gold has been astonishingly large.

The amount taken this year from the mines on the tributaries of the Columbia river, is estimated between eight and ten million of dollars.

Many promising mines were discovered late to the season, some of which are of the richest character.

A large number of persons are wintering in the mines, where new and thriving towns are springing up.

These facts, in connection with the fruits of this year's labor, furnish the strongest evidence of the great value of the mines. It is fair to presume that as eight or ten millions have been gathered in this year's operations, under such unfavorable circumstances, more than double that amount, will be collected next season, and the annual yield hereafter will continue to increase at that ratio for many years to come.

Fellow-citizens, I leave these views with you. It will be my duty, as well as pleasure to co-operate with you, in furthering the interests of the people of this Territory. Let us unite to elevate their moral, social, and political, virtue. Let us teach the youth to revere him whose name she bears, that they may ever be loyal to that Government which he contributed so largely to establish. Let us frown down treason, or sympathy with it, by our steady adherence, to the Government, in its every effort to suppress this rebellion. Let each one of us, stand by the Constitution and Union, as the only harbor of National safety. Thanking God, we are yet exempt from the ravages of war, but feeling none the less the pangs of woe at our country's affliction. She will yet ride successfully through the storm, of treason and rebellion, and survive the great crisis, now being undergone. Out of this war, America must emerge brighter, more powerful, and dearer than ever, to every lover of human rights.

God grant, that our most anxious hopes, may be realized. In Him we trust, and our prayers cannot be in vain.

WILLIAM PICKERING.